

**ASSEMBLY BILL**

**No. 1074**

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**Introduced by Assembly Member Fuentes**

February 18, 2011

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An act to add Section 1714.55 to the Civil Code, relating to personal liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1074, as introduced, Fuentes. Personal liability immunity: telecommunication service providers.

Existing law provides that a telecommunications service provider is generally liable for any claim, damage, or loss caused by their conduct.

This bill would provide that a provider of telecommunication service, or other service, that is involved in providing 9-1-1 service, as defined, is not liable for any claim, damage, or loss caused by an act or omission of the company, and other individuals, in the design, development, maintenance, or provision of 9-1-1 service, unless the act or omission that proximately caused the claim, damage, or loss constituted gross negligence, recklessness, or intentional misconduct.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1714.55 is added to the Civil Code,
- 2 immediately following 1714.5, to read:
- 3 1714.55. (a) A retail or wholesale service provider of
- 4 telecommunications service, or other service, involved in providing
- 5 9-1-1 service, shall not be liable for any claim, damage, or loss

1 caused by an act or omission of the company, business, or  
2 individual in the design, development, installation, maintenance,  
3 or provision of 9-1-1 service, unless the act or omission that  
4 proximately caused the claim, damage, or loss constituted gross  
5 negligence, recklessness, or intentional misconduct.

6 (b) For purposes of this section:

7 (1) “Public safety agency” is defined in accordance with the  
8 Warren-911-Emergency Assistance Act (Article 6 (commencing  
9 with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title  
10 5 of the Government Code).

11 (2) “9-1-1 service” means a system involved in either connecting  
12 users to a public safety agency, or in providing data, including,  
13 but not limited to, the location of the user, to a public safety agency.

14 (c) This section shall not be construed to modify service tariff  
15 provisions.